

The Office Action mailed to Applicant on June 8, 2009 is hereby withdrawn and vacated due to only claims 1-8 addressed. This new Office Action is issued in place of the withdrawn Office Action on June 8, 2009 to address all claims 1-20 in the preliminary amendment filed on April 12, 2006.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hafling et al (7,185,394 B2).

Hafling et al teach an electric vacuum cleaner (10) such as an upright, canister or hand-held vacuum cleaner (col. 1, lines 34-49) comprising a vacuum cleaner main body (col. 2, lines 31-35) with an electric blower (36) housed therein comprising an intake port (66) and an exhaust port (68), a separating section for separating dust that is sucked therein with air through the intake port (66) by driving the electric blower (36) into coarse dust (70) and fine dust (82), a coarse dust air passage into which the coarse dust flows with part of the air (see the "empty space" in Fig. 2 between the coarse dust (70) and the fine dust (82)), a fine dust air passage provided parallel with the coarse dust air passage into which the fine dust flows with the rest of the air (see air flow arrow (B)

in Fig. 2), a partition wall (72) in the air passage, an opening portion opened in the partition wall along the coarse dust air passage, a first filter (70) provided in the opening portion (see Figs. 3 & 4), a second filter (82) provided on the downstream side of the fine dust air passage (see details of Figs. 2-4). Hafling et al further teach the coarse dust air passage and the fine dust air passage run vertically parallel with each other: See the coarse dust air passage (see the "empty space" in Fig. 2 between the coarse dust (70) and the fine dust (82)), which is parallel with the fine dust air passage (see air flow arrow (B) in Fig. 2). Hafling et al also teach the second filter being a pleat filter (see 82 in Fig. 3).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH-CHAU T. PHAM whose telephone number is (571)272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Minh-Chau T. Pham/
Examiner, Art Unit 1797
August 28, 2009